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**NOV 26 2004**

In re Application of  
Howard M. Dintzis et al  
Application No. 09/757,774  
Filed: January 9, 2001  
Attorney Docket No. 041828-0276361

**OFFICE OF PETITIONS**  
**ON PETITION**

This is a decision on the petition under 37 CFR 1.137(b), filed November 1, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed January 2, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 3, 2004.


The above-identified application is being revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$490.00 extension of time submitted with the petition on November 1, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address filed on March 3, 2004 has been entered and made of record.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 1646 for processing of the request for continued examination (RCE) under 37 CFR 1.114.

  
Wan Laymon  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Attachment: Notice Regarding Change of Power of Attorney  
Notice of Acceptance of Power of Attorney